

**In the matter of 1998 biennial Regulatory Review —
Amendment of Part 97 of the Commission's Amateur Service Rules,
FCC WT Docket 98-143**

Introduction: My name is Bruce W. Moyer. I am a licensed Amateur Radio Operator holding an Advanced class license, callsign KI8GR. I am a member of the ARRL. I offer these comments in the hope that any revisions made by the Commission to the rules will help promote greater participation and interest in the service.

Background: The NPRM released on 08/10/98 under WT Docket No. 98-143, which includes RM-9148, RM-9150, and RM-9196, requests public comment specifically in several areas of the rules, and by implication in all areas. Since some of my comments will necessarily relate to more than one of the areas delineated in the NPRM, I will, with your indulgence, organize my comments by topic in an effort to create a coherent whole.

Morse Code: The Commission asked for comments concerning required Morse Code speeds for various license classes. As noted by the Commission in paragraph 21 of the NPRM telegraphy is decreasingly relevant in the modern world of communications. The Commission is aware that even the Coast Guard has ceased to monitor for CW distress calls from ships, due to the fact that vessels are now required to carry equipment that uses GPS and other modern technologies. The Military has forbidden use of CW on MARS frequencies. The plain fact is that we in the amateur service are about the only ones in the world who still use Morse Code for anything other than automatic identification of repeater stations.

That said, so long as the ITU requires Morse Code proficiency for amateurs operating below 30 MHz the Commission remains obligated to define the term "proficiency" and provide for a method of testing it.

It is my opinion that the ARRL proposal of a 5 WPM exam for the General Class license and a 12 WPM exam for Advanced and Amateur Extra Class is reasonable. Retention of the 20 WPM exam serves no purpose other than to effectively fence off small sections of several HF bands as the private preserve of a few operators. Furthermore it increases the burden on the VEs and the Commission in that the results of these tests must be processed, and the Commission needs often to issue updated license docs. I will address this again later.

Many hams see a Morse Code requirement as a "filter" which keeps poor operators out of the service. I think that if the only purpose of a CW exam is to prevent otherwise qualified operators from accessing certain bands, then it's usefulness is to be questioned. I hear far less objectionable operations on VHF/UHF bands - populated in large part by codeless Technician Class operators - than on certain of the HF bands.

Finally I believe that the retention of CW requirements gives the general public the impression that the Amateur Radio Service is just a bit of an anachronism. It discourages people from entering into the service, resulting in fewer trained radio operators. I would favor the dropping of all CW requirements as soon as revisions in ITU regulations allow it.

The current system of testing CW proficiency seems to be working well, and in my opinion should be left alone. Generally speaking, the VECs have done a good job structuring the exams and exam procedures. By allowing the VECs to offer CW testing in various forms and formats the system retains sufficient flexibility to accommodate the needs of the Service.

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Written Exams: It is my opinion that the written exams are currently of about the right degree of difficulty to assure passage of them demonstrates sufficient knowledge and proficiency to operate effectively at the level designated. If any changes were to be made, I think a greater emphasis on the Commission's rules might be in order, along with more emphasis on operating procedures.

The Technician (currently element #3A) exam probably should be revised to include more material on digital modes, particularly VHF/UHF packet and ATV.

I would also note that if we are looking at a wholesale restructuring of the license sequence the logical next step is to reshuffle the question pools so that the exam questions reflect the operating privileges conferred by successful completion of that element.

CW EXAMS: It is my opinion that CW exams as currently administered are adequate to meet the needs of the Commission and the Amateur community. I would not wish to see the Commission micro manage the VEs on the form and format of these exams.

License Classes: I agree with the Commission that retention of the Novice license makes little sense. Among my other activities I am actively involved in putting on entry level classes at which we train prospective new hams. While we offer Morse Code training, the fact is that few of our students are much interested in it, and those who do pick up on it almost always come through with a Technician Plus license. I can only recall one fellow in the last 4 years who got a novice license, and he upgraded to Tech + ASAP. Nobody goes into the classes seeking a Novice license.

That said, I think it would be a grave mistake were the Commission to eliminate the possibility of getting on the HF bands with 5 WPM code proficiency. Most Technicians find the prospect of 5 WPM CW daunting, and the draw of HF operating privileges is often not sufficient to persuade them that it's worth the effort, especially since it's possible to work the world on 2 Meter packet links. If the Commission were to set the entry level at 13 WPM, as proposed, the result would almost certainly be the eventual depopulation of the HF bands as the older operators either drop out or go SK, while the younger ones see the 13 WPM requirement as insurmountable. The issue of CW requirements is central to any license restructuring.

The Commission has expressed itself as favoring a reduction in the number of license classes in part to reduce the burden on VEs to test and the Commission to process incremental upgrades. While I think this is probably a wise thing to do, I also see a certain benefit to it in that it will tend to eliminate the quasi caste system that has developed in the amateur community. While most hams do not get into this sort of pecking order politics, some do, and reducing the number of classes will help unify the amateur community. If the Service is to further the Commission's aims for it, it is incumbent upon the Commission to so structure the rules.

The ideal number of license classes depends upon the Commission's ultimate decision with regard to the retention or suppression of the 20 WPM CW requirement for the Extra Class license. If 20 WPM is retained, then 4 classes makes sense. If, however, there are but 2 CW requirement levels, the Extra and Advanced classes may as well be combined.

My preference would be for the latter. I would suggest the following structure:

TECHNICIAN: Current Tech class privileges. Exam requirement should be a 50 question written exam which has 15 questions on rules and operating procedures, and the rest of the questions relating to VHF/UHF operations, with more emphasis on digital modes, spread

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spectrum, and ATV.

GENERAL: Current General class privileges. Exams should include a 5 WPM CW exam using any of the currently acceptable methods of testing CW proficiency, and a 50 question exam which has 10 questions on FCC rules and operating procedures, the rest being questions

relating to HF operation, particularly RF safety, RFI abatement and related topics.

AMATEUR ADVANCED: Combines privileges of current Advanced and Extra class. Exam should include a CW exam of between 10 and 13 WPM, preferably 10, along with a written exam that combines the salient elements of the current Advanced and Extra written exams. There is a certain degree of overlap between these exams currently, so I would estimate that they could be effectively combined into a single 80 question exam. At this level it is probably not necessary to have great emphasis on the rules, but the inclusion of 10 questions concerning rules would serve to reinforce the importance adherence to the rules has to the viability of the service.

(AMATEUR EXTRA): I would only retain the 4th license class if the 20 WPM CW requirement were to be retained. I do not advocate either. In the event that the 20 WPM CW requirement is retained, however, the combination of the current Advanced and Extra classes becomes impractical. That said, if the Commission does decide to retain the 20 WPM for Extra, I would favor leaving both the Extra and Advanced class licenses as they are today.

EXAM FORMS: I am not yet certified as a VE, though I recently applied for such certification. I have on many occasions helped as a runner at VE testing sessions, however, and have had the opportunity to observe these proceedings. It is my opinion that the current multiple choice format for written exams serves well. It has the advantage of being easily scored, and avoids the disadvantage of an essay type exam, namely that scoring becomes subjective. Also an essay exam would have the effect of denying people who are not proficient writers an opportunity to participate in amateur radio. Sadly, this is quite a large part of the American population these days.

Requiring essay exams would also have the undesirable effect of discouraging qualified hams from participation in the VE testing system. Many potential examiners will not be willing to wade through essay answers to score them and then take the flack for judgement calls on marginal answers, either way they score them.

The current format allows applicants to know just what information they need to learn and also insures a degree of testing uniformity throughout the entire system that would not otherwise be possible. It also facilitates the preparation of class materials for those attempting to teach to the exam. The Commission would, in my opinion, be unwise to tamper with this system, which has proven it's worth over a number of years.

RULE ENFORCEMENT: I have seen several proposals, both formal and informal concerning the seeming inability or unwillingness of the Commission to enforce the rules and suggesting remedies. While I generally agree that more vigorous enforcement would be desirable, I am not very comfortable with the idea of turning enforcement over to non agency persons, especially if the enforcement procedures would include a requirement that such person seek revocations of licenses

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in order to pursue a case. In most cases license revocation would be a rather extreme sanction to apply to typical rules violations.

There is also the question of whether or not the Commission can legally delegate this authority to non agency persons. I expect this problem could be gotten around by some formula by which these people would be deputized as FCC enforcers, but I would think the Commission would find the costs of controlling an army of radio vigilantes and the legal costs of defending their actions in the event they became overzealous would far outweigh any savings to be had by not using regular FCC Field Officers for the purpose.

The fact is, at least in our area, there are very few really egregious rules violators to be found, and when they are found their sins are mostly self punishing in that most other operators will refuse to talk to them. There's nothing like a little ostracism from one's peers to bring a malefactor into line.

Therefore I oppose the creation of an extra-governmental posse to enforce the rules, favoring instead an increased effort on the part of the Commission to secure rule compliance.

As the Commission has often recognized, the Amateur Radio Service has an excellent record of rule compliance, has a history of being self policing, and a strong record of public service that could only be amassed within the framework of an orderly service. I should think, therefore, that it would be in the Commission's interest not to upset the apple cart.

CONCLUSIONS: To summarize, I would set 2 CW requirements, at 5 and 12 WPM, dropping the 20 WPM level. I would reduce the number of license classes from 6 to 3 (4 if the 20 WPM is retained for Extra), with current holders of discontinued licenses grandfathered in and given upgrades to the next highest license class that encompasses all of their current operating privileges. I would drop the CW requirements altogether as soon as ITU regulation revisions so permit. I would leave the form and format of testing to the VEC's. I would not favor creation of an extragovernmental enforcement system, preferring to see the Commission maintain control of that function. I would like to see the written exams give more emphasis to rules and operating procedures, as well as digital modes.

It is my belief that a viable and vibrant Amateur Radio Service is important to the nation for several reasons. I am of the opinion that a well thought out revision of the license structure can go a long way toward encouraging greater interest in ham radio, while a revision that puts further impediments in the way of prospective hams can - over time - kill the service off altogether. We are in competition with the internet for the attention and interest of young people, so doing things that present us to them as forward looking sure helps. Streamlining the licensing and eventually dropping CW would move us in that direction.

Submitted as comment on WT Docket 98-143 by

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